

REMARKS/ARGUMENTS

Applicant is appreciative of the time and consideration provided by the Examiner during the telephonic interview with Applicant's representative on March 27, 2008. The following incorporates the subject matter of the discussion.

Claims 1-7 are pending in this application, with claim 1 being the only independent claim. Reconsideration of the above-identified application, as herein amended and in view of the following remarks, is respectfully requested.

Claim Amendments

Claims 1-7 are amended to replace "fluidized-bed reactor" with --entrained-flow gasification reactor--. As noted by the Examiner in the Interview Summary, the figures presented in the originally filed application show an entrained-flow gasification reactor. Furthermore, the Declaration of Dr. Manfred Schingnitz filed concurrently herewith provides technical support for the assertion that the drawings filed with the original application 08/954,361, and the accompanying description, unequivocally disclose an entrained-flow gasification reactor, which can not be considered to be a fluidized bed reactor.

Independent claim 1 is further amended to recite "said second part of said reaction chamber including a lower floor and a lower outlet opening" ... "said refractory-grade lining extending downward in a direction parallel to sidewalls of said reactor chamber over said cooling wall in an area of said second part of said reaction chamber including an area of said lower floor, such that said refractory-grade lining and said cooling wall are joined in an overlapping fashion to compensate for different heat expansions." Support for this amendment is found in original Fig. 1 and col. 2, lines 56-59 of U.S. Patent No. 5,968,212.

Rejection of Claims under 35 U.S.C. §251

Claims 1-7 stand rejected under 35 U.S.C. §251 as being broadened in a reissue application filed outside of the two year statutory period. To address this, the claims are amended to replace “fluidized-bed reactor” with --entrained-flow gasification reactor--. This does not represent a broadening of the claims. Rather, it is merely replacing the original incorrect description of the reactor with the correct description of the reactor. Accordingly, claims 1-7 are not broadened by the amendment and the rejection under 35 U.S.C. §251 should be withdrawn.

Non-compliance with 37 CFR 1.173(b), (d)

The Examiner states that the original amendment filed on March 31, 2004 does not comply with 37 CFR 1.173(b), (d). The above amendments now show amendments to the claims of U.S. Patent No. 5,968,212 in the proper format in compliance with 37 CFR 1.173(b), (d). Accordingly, the format of the present amendment now complies with the rules for reissue applications.

Defective Oath

The Examiner states that the oath is defective because (1) it does not identify the foreign application on which priority is claimed and (2) because it does not include the statement that all errors which are being corrected up to the time of filing of the oath/declaration arose without any deceptive intention. Claims 1-7 are also rejected under 35 U.S.C. §251 as being based on a defective oath for the above reasons. A supplemental oath is filed concurrently herewith to address each of the deficiencies listed above. Accordingly, the objections to the oath and the rejection of claim 1-7 as being based on a defective oath should now be withdrawn.

Claim Rejections under 35 U.S.C. §103

Claims 1-7 stand rejected under 35 U.S.C. §103 as unpatentable over U.S. Patent No. 5,464,592 (Booker) in view of U.S. Patent No. 4,188,915 (Kummel).

As stated above, independent claim 1 is amended to recite “said second part of said reaction chamber including a lower floor and a lower outlet opening” ... “said refractory-grade lining extending downward in a direction parallel to sidewalls of said reactor chamber over said cooling wall in an area of said second part of said reaction chamber including an area of said lower floor, such that said refractory-grade lining and said cooling wall are joined in an overlapping fashion to compensate for different heat expansions.”


During the above-mentioned telephonic interview, the Examiner acknowledged that Booker fails to disclose “said refractory-grade lining extending downward in a direction parallel to sidewalls of said reactor chamber over said cooling wall in an area of said second part of said reaction chamber including an area of said lower floor”. In contrast, Booker discloses that a refractory liner 22 follows the gasifier floor 19. Accordingly, the refractory-grade lining 22 angles inward at the throat of the cooling zone and fails to disclose teach or suggest “said refractory-grade lining extending downward in a direction parallel to sidewalls of said reactor chamber over said cooling wall in an area of said second part of said reaction chamber including an area of said lower floor”, as expressly recited in independent claim 1.

Kummel fails to teach or suggest what Booker lacks. Kummel discloses a wall of a gasifier having integral cooling tubes. Kummel fails to disclose a refractory layer in the area of the cooling wall at the are of a lower floor of the reaction chamber. Accordingly, independent claim 1 is allowable over Booker in view of Kummel.

Dependent claims 2-7 are allowable for the same reasons as is independent claim 1 as well as for the additional recitations contained therein.

In view of the above amendments and remarks, the application is now deemed to be in condition for allowance and notice to that effect is solicited.

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Dated: April 14, 2008